IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 25260 of 2007(F)

PETITIONER:

KANJIRAMKULAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
KANJIRAMKULAM P.O., PIN - 695 524,
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

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1. R.SIVAKUMAR, V.R.NIVAS, KANJIRAMKULAM PO
THIRUVANANTHAPURAM DIST.

2. OMBUDSMAN FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, THIRUVANANTHAPURAM.

3. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, LOCAL SELF GOVERNMENT (D)
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.GEORGE POONTHOTTAM
R3 BY ADV.SRI.K.J. MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 25260 OF 2007

Dated this the 21st day of November, 2007

JUDGMENT

Under challenge in this Writ Petition is Ext.P18 order of the Ombudsman for Local Self Government Institutions. Under Ext.P18, the 1st respondent has directed the Panchayat to pay a sum of Rs.2 lakhs to the additional 4th respondent, Sri.Kanayi Kunjiraman as remuneration for making a statue of late Sri.Kunjukrishnan Nadar. Though Sri.Kunjiraman and the 1st respondent who is the Chairman of the Samithi, which was constituted for the making and installation of the statue of late Sri.Kunjukrishnan Nadar within the limits of the petitioner Panchayat were received, they have not entered appearance before this Court or filed any counter affidavit.

2. Heard Sri.Saju John, counsel for the petitioner and Sri.K.J.Mohammed Anzar, Government Pleader. Drawing my attention to Ext.P2, Sri.Saju John submitted that the direction in the order of the Government was only that Kanjiramkulam Grama Panchayat shall donate a sum of Rs.1 lakh towards the construction of the statue in question subject to the availability of funds. It was not at all proper on the part of the Ombudsman to have directed the petitioner Panchayat to

pay the entire remuneration of Rs.2 lakhs. It was not the Panchayat which entrusted the statue making work with Sri.Kanayi Kunjiraman, so submits counsel.

3. It is to be enquired whether the other Panchayats within the constituencies of Kovalam, Parassala, Neyyattinkara, Nemam have donated Rs.3,000/- each as directed under Ext.P2 order. It is seen that the learned Ombudsman relied on a letter written by the additional 4th respondent to the Secretary of the petitioner Panchayat claiming i.e., the statue is completed and that payment of Rs.2 lakhs is fixed by the sculptor as remuneration for the statue making. At the same time, in view of the undisputed position that the duty of ensuring construction of the statue and its actual installation was entrusted with a samithi for which the 1st respondent is the Chairman and that of the Panchayats within the limits of the four constituencies referred to above were also under obligation to pay Rs.3,000/- each for the construction of the statue it was not proper on the part of the Ombudsman to have directed the petitioner Panchayat to pay the entire remuneration. I modify Ext.P18 to the extent of reducing the amount payable by the petitioner to Rs.1 lakh. The above amount will be paid by the petitioner Panchayat to the additional 4th respondent sculptor, upon the 1st respondent and the

additional 4th respondent convincing the Panchayat that the work of the statue is completed and that the statue is ready for installation.

The Writ Petition is allowed to the above extent.

PIUS C. KURIAKOSE, JUDGE

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